

Remarks

This Amendment is in response to the Office Action mailed September 28, 2000. In the Office Action, the Examiner rejected claims 1-2, 4-6, 8-10, 13, 14, 16-18, 21, and 22 under 35 U.S.C. § 102 and rejected claims 3, 7, 11, 15, 19, and 23 under 35 U.S.C. §103. Applicant has amended claims 1, 5, 10, 13, and 17, and added claims 33-40. Applicant has canceled claims 2, 9, 11, 12, 14, and 24-32 without prejudice. Claims 1-23 and 33-40 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

The Examiner rejects claims 1-2, 4-6, 8-10, 13, 14, 16-18, 21, and 22 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,733,256 issued to Costin (hereinafter Costin).

Regarding claim 1 and 13, the Examiner asserts that Costin teaches a flexible membrane. Costin describes a membrane made of polysilicon (see column 10, line 7). Since it is well known in the art that polysilicone is a brittle crystal, Costin describes a brittle membrane. Therefore, Costin does not describe a flexible membrane that separates a first chamber and a second chamber, the second chamber being in fluid communication with a pressure transducer.

In contrast, the present invention recites a flexible membrane that separates said first chamber and said second chamber, the second chamber being in fluid communication with a pressure transducer, as set forth in independent claims 1 and 13. Since Costin does not describe a flexible membrane that separates a first chamber and a second chamber, the second chamber being in fluid communication with a pressure transducer, applicant respectfully

requests that the § 102 rejection of claims 1 and 13 and the claims dependent thereon, claims 4-6, 8, 10, 16-18, and 22 be withdrawn.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 3, 7, 11, 15, 19, and 23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,256 issued to Costin in view of U.S. Patent No. 5,609,576 issued to Voss, et al. (hereinafter Voss).

Regarding claims 3, 7, 11, 15, 19 and 23, the Examiner asserts Costin that it would have been obvious to modify the impedance monitor of Costin to calculate fluidic resistance as taught by Voss. As set forth above Costin neither suggests nor describes a flexible membrane that separates a first chamber and a second chamber in fluid communication with a pressure transducer. Voss describes a pressure sensor coupled to a conduit (see column 4, line 48). Otherwise, Voss neither suggests nor describes a flexible membrane that separates a first chamber and a second chamber in fluid communication with a pressure transducer. In contrast, the present invention recites a flexible membrane that separates a first chamber and a second chamber in fluid communication with a pressure transducer, as set forth from claims 1 and 13 in the subject claims.

Moreover, the combination of a flexible membrane that separates a first chamber and a second chamber in fluid communication with a pressure transducer functions as a fluidic capacitor that can maintain the intraocular pressure of the eye (see page 8, lines 3-7). Since, neither Costin nor Voss suggest or describe a flexible membrane that separates a first chamber and a second chamber in fluid communication with a pressure transducer, the present invention provides the unexpected result of maintaining the intraocular pressure of the eye.

Since neither Costin nor Voss suggest or describe a flexible membrane that separates a first chamber and a second chamber in fluid communication with a pressure transducer, applicant respectfully requests that the § 103 rejection of claims 3, 7, 11, 15, 19 and 23 be withdrawn.

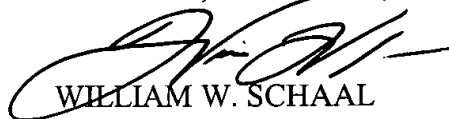
Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: January 29, 2001


WILLIAM W. SCHAAL

Reg. No. 39,018

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(714) 557-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: January 29, 2001


Maria N. Sausedo

1/29/01
Date